

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

Mac Truong,

Debtor-Appellant

Chapter 13

Case No. 07-12194 (JMP)

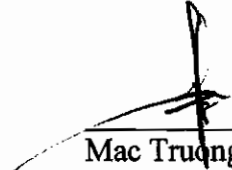
Judge: James M. Peck

NOTICE OF APPEAL

Notice is hereby given that Chapter 13 debtor Mac Truong hereby appeals to the United States District Court for the Southern District of New York, from the following final order:

Order Dismissing Chapter 13 Case With Prejudice, Imposing a Bar to Refiling, and Providing Related Relief, issued by the Court on July 24, 2007, but served upon debtor on August 1, 2007.

Dated: August 2, 2007



Mac Truong, Debtor-Appellant pro se

FILED
U.S. BANKRUPTCY COURT
2007 AUG -2 P 2:53
S.D. OF N.Y.

**LIST
OF PARTIES TO BE SERVED**

United States Trustee
33 Whitehall Street
New York, NY 10004

Jeffrey L. Sapir, Esq.
Chapter 12 and 13 Trustee
399 Knollwood Road, Suite 102
White Plains, New York 10603

Steven P. Kartzman, Esq.
101 Gibraltar Drive, Suite 2F
Morris Plains, NJ 07950

The United States Trustee
Office of the US Trustee
One Newark Center
Newark, NJ 07102-5504

CERTIFICATION OF SERVICE

I, Mac-Truong, being duly sworn, depose and say:

On August 2, 2007, I served by U.S. First Class Mail the true copies of the within document(s) upon the following parties and/or individuals:

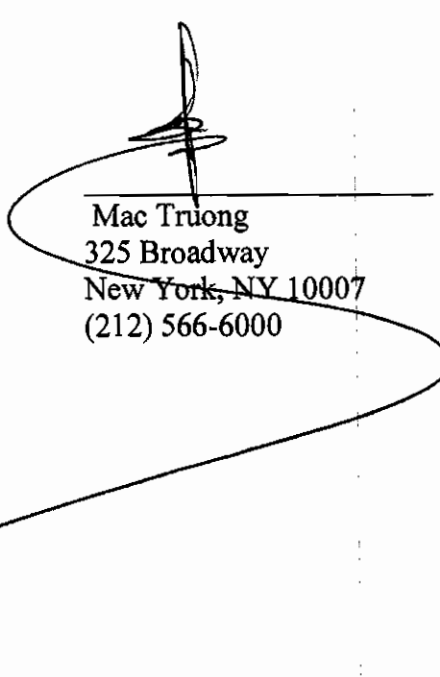
United States Trustee
33 Whitehall Street
New York, NY 10004

Jeffrey L. Sapir, Esq.
Chapter 12 and 13 Trustee
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The United States Trustee
Office of the US Trustee
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Newark, NJ 07102-5504

Dated: August 2, 2007



Mac Truong
325 Broadway
New York, NY 10007
(212) 566-6000

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

MAC TRUONG,

Debtor.

-----X
:
:
:
: **Chapter 13**
: **Case No. 07-12194 (JMP)**
:
:
-----X

**ORDER DISMISSING CHAPTER 13 CASE WITH PREJUDICE, IMPOSING A
BAR TO REFILING, AND PROVIDING RELATED RELIEF**

WHEREAS, on July 19, 2007, Mac Truong (the "Debtor") commenced a voluntary case under Chapter 13 of the Bankruptcy Code (Docket No. 1); and

WHEREAS, this Court on July 20, 2007 entered its Order Scheduling Conference, (Docket No. 6), thereby ordering that a hearing was to be scheduled on July 24, 2007, at 9:00 a.m., for the purpose of considering questions of whether jurisdiction and venue are proper in this Court, and also to determine whether the automatic stay imposed under 11 U.S.C. § 362(a) applies to the property located 327 Demott Avenue, Teaneck, New Jersey; and

WHEREAS, the Order Scheduling Conference also directed the appearances at the July 24, 2007 hearing of Steven P. Kartzman, as "Chapter 7 Trustee" in the chapter 7 case styled In re Mac Truong and Maryse Mac-Troung, Case No. 03-40283 NLW (United States Bankruptcy Court for the District of New Jersey (the "New Jersey Bankruptcy Case")), and of Mac Troung (the "Debtor"); and

WHEREAS, the Order Scheduling Conference also commanded the testimony under oath of the Debtor at the July 24 hearing on the subjects of (i) whether this case was filed in good faith and (ii) the relationship of this case with the New Jersey Bankruptcy Case and the chapter 11 case of To-Viet-Dao, LLP, Case No. 07-10696 (JMP), dismissed by order signed July 18, 2007; and

WHEREAS, the Chapter 7 Trustee filed a letter brief dated July 23, 2007, and accompanying exhibits (collectively, Docket No. 10); and

WHEREAS, a hearing was held before this Court on July 24, 2007, at which the Debtor, the Chapter 7 Trustee, and counsels to the Chapter 13 Standing Trustee and the United States Trustee also appeared; and

WHEREAS, based on the testimony of the Debtor adduced under oath at the hearing, the letter brief filed by the Chapter 7 Trustee, the record established in this case, and the representations and statements otherwise made at the hearing, the Court has found that the Debtor filed this case in bad faith and to the prejudice of his creditors, and the Court has further found the Debtor filed this case without obtaining a credit counseling certificate prior thereto (and at the July 24, 2007 hearing also denied the Debtor's motion for an extension of time to file such certificate), and the Court has further determined cause exists to dismiss this case with prejudice, and to bar the Debtor and Mrs. Maryse Mac-Truong from filing a further bankruptcy case as set forth below; and

WHEREAS, the Court having determined notice of the July 24, 2007 hearing is adequate under the circumstances;

IT IS HEREBY ORDERED that:

1. This Chapter 13 case is dismissed, with prejudice;
2. The Debtor and Maryse Mac-Truong are barred from filing any bankruptcy case in any jurisdiction for a period of one year from the date of the entry of this Order;
3. This Court shall retain jurisdiction over this Chapter 13 case for the purposes of (1) enforcing this Order, and (2) adjudicating an application by the Chapter 7 Trustee for sanctions pursuant to Title 28, United States Code, Section 1927, against the Debtor, provided such application is made within thirty (30) days from the date of entry of this Order.

Dated: New York, New York
July 24, 2007

s/ James M. Peck
HONORABLE JAMES M. PECK
UNITED STATES BANKRUPTCY JUDGE